

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NEW YORK

---

LEONARD N. BETTS,

Plaintiff,

v.

ORDER  
10-CV-568

MATTHEW J. PETERSON,  
JULIE K. PETERSON,

Defendants.

---

This case was referred to Magistrate Judge Leslie G. Foschio, pursuant to 28 U.S.C. § 636(b)(1). On August 25, 2010, defendants' filed a motion to dismiss. On October 21, 2010, Magistrate Judge Foschio filed a Report and Recommendation, recommending that defendants' motion (Doc. No. 7), insofar as it seeks dismissal for lack of personal jurisdiction should be granted, plaintiff's response treated as a motion to strike the amended answer be denied and that the Clerk of Court be directed to close the file. Plaintiff filed objections to the Report and Recommendation on November 3, 2010.

Pursuant to 28 U.S.C. § 636(b)(1), this Court must make a de novo determination of those portions of the Report and Recommendation to which objections have been made. Upon a de novo review of the Report and Recommendation, and after reviewing the submissions, the Court adopts the proposed findings of the Report and Recommendation.

Accordingly, for the reasons set forth in Magistrate Judge Foschio's Report and Recommendation, defendants' motion (Doc. No. 7), insofar as it seeks dismissal for lack of personal jurisdiction is granted, plaintiff's response treated as a motion to strike the amended answer is denied and the Clerk of Court is directed to close the file.

SO ORDERED.

*s/ Richard J. Arcara*  
HONORABLE RICHARD J. ARCARA  
UNITED STATES DISTRICT JUDGE

DATED: January 25 , 2011